

AUGUSTA DIVISION

Respondent.

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CV 109-152

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Petitioner's motion to proceed *in forma pauperis* is **DENIED**, this case filed pursuant to 28 U.S.C. § 2254 is **DISMISSED**, and this civil action is **CLOSED**.

SO ORDERED this 3rd day of March, 2010, at Augusta, Georgia.

S. RANDAL HALL
UNITED STATES DISTRICT JUDGE